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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Statement of Issues
13 Against:

14 **JEFFERY SCOTT HOPPER**

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Respondent.

Case No. 2012-512

OAH No. 2012030570

DEFAULT DECISION AND ORDER

[Gov. Code, § 11520]

FINDINGS OF FACT

1. On or about February 28, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs, filed Statement of Issues No. 2012-512 against Jeffery Scott Hopper (Respondent) before the Board of Registered Nursing.

2. On or about March 25, 2011, Respondent filed an application dated March 15, 2011, with the Board of Registered Nursing to obtain a Registered Nurse License.

3. On or about September 15, 2011, the Board issued a letter denying Respondent's application for a Registered Nurse License. On or about November 17, 2011, Respondent appealed the Board's denial of his application and requested a hearing.

4. On or about March 5, 2012, Tracy Cortez, an employee of the Department of Justice, served by Certified and First Class Mail a copy of the Statement of Issues No. 2012-512, Statement to Respondent, Request for Discovery, Government Code sections 11507.5, 11507.6,

1 and 11507.7, and Notice from Respondent/Applicant to Respondent's address on the application
2 form, which was and is 4501 Highway 77, Southside, AL 35907. A copy of the Statement of
3 Issues is attached as exhibit A, and is incorporated herein by reference.

4 5. Service of the Statement of Issues was effective as a matter of law under the
5 provisions of Government Code section 11505, subdivision (c)

6 6. On or about November 17, 2011, Respondent appealed the denial of his application
7 and requested a hearing in this action.

8 7. On or about May 1, 2012, Respondent submitted his Notice of Withdrawal of Request
9 for Hearing.

10 8. Business and Professions Code section 118 states, in pertinent part:

11 (a) The withdrawal of an application for a license after it has been filed with a
12 board in the department shall not, unless the board has consented in writing to such
13 withdrawal, deprive the board of its authority to institute or continue a proceeding
14 against the applicant for the denial of the license upon any ground provided by law or
15 to enter an order denying the license upon any such ground.

16 9. California Government Code section 11520 states, in pertinent part:

17 (a) If the respondent either fails to file a notice of defense or to appear at the
18 hearing, the agency may take action based upon the respondent's express admissions
19 or upon other evidence and affidavits may be used as evidence without any notice to
20 respondent; and where the burden of proof is on the respondent to establish that the
21 respondent is entitled to the agency action sought, the agency may act without taking
22 evidence.

23 10. Pursuant to its authority under Government Code section 11520, the Board finds
24 Respondent is in default. The Board will take action without further hearing and, based on
25 evidence on file herein, finds that the allegations, in Statement of Issues No. 2012-512 are true.

26 DETERMINATION OF ISSUES

27 1. Based on the foregoing findings of fact, Respondent Jeffery Scott Hopper has
28 subjected his application for a Registered Nurse License to denial.

2 2. Service of Statement of Issues No. 2012-512 and related documents was proper and
in accordance with the law.

3 3. The agency has jurisdiction to adjudicate this case by default.

1 4. The Board of Registered Nursing is authorized to deny Respondent's application for
2 licensure based upon the following violations alleged in the Statement of Issues:

3 a. Bus. & Prof. Code 2761(f) – Criminal Conviction

4 b. Bus. & Prof. Code 480(a)(3)(A) – Committed Acts Which if Done by a
5 Licensee Would Constitute Grounds for Discipline

ORDER

IT IS SO ORDERED that the application for Registered Nurse License, filed by Respondent Jeffery Scott Hopper, is denied.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on NOVEMBER 09, 2012.

It is so ORDERED OCTOBER 10, 2012 *Raymond Mallef*

FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

Attachment:

Exhibit A: Statement of Issues No. 2012-512

Exhibit A

Statement of Issues No. 2012-512

1 KAMALA D. HARRIS
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2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
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7 *Attorneys for Complainant*

8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues
12 Against:

13 **JEFFERY SCOTT HOPPER**
4501 Highway 77
14 Southside, AL 35907

15 Respondent.

Case No. **2012-512**
STATEMENT OF ISSUES

16 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

17 **PARTIES**

18 1. Complainant brings this Statement of Issues solely in her official capacity as the
19 Interim Executive Officer of the Board of Registered Nursing ("Board").

20 2. On or about March 25, 2011, the Board of Registered Nursing received an
21 Application for Licensure by Endorsement from Jeffery Scott Hopper ("Respondent"). On or
22 about March 15, 2011, Respondent certified under penalty of perjury to the truthfulness of all
23 statements, answers, and representations in the application. The Board denied the application on
24 September 15, 2011.

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1 (1) Been convicted of a crime. A conviction within the meaning of this section
2 means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
3 Any action that a board is permitted to take following the establishment of a
4 conviction may be taken when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal, or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under the
provisions of Section 1203.4 of the Penal Code.

5 (3)(A) Done any act that if done by a licentiate of the business or profession in
question, would be grounds for suspension or revocation of license.

6 (B) The board may deny a license pursuant to this subdivision only if the crime
7 or act is substantially related to the qualifications, functions, or duties of the business
or profession for which application is made.

8 **FIRST CAUSE FOR DENIAL OF APPLICATION**

9 **(Conviction of a Crime)**

10 9. Respondent's application is subject to denial under Code sections 2761(f), and
11 480(a)(1), in on or about July 11, 2006, in the case of *People v. Jeffery Scott Hopper*, (Municipal
12 Ct., State of Washington, Pierce County, Case No. C53070PUY), Respondent was convicted by
13 the Court on his plea of guilty of violating RCW 46.61.502 (driving a motor vehicle while under
14 the influence of intoxicating liquor and/or drugs), a crime that is substantially related to the
15 qualifications, functions or duties of a licensed registered nurse. The circumstances of the crime
16 were that on or about March 25, 2006, Respondent was stopped by the Puyallup Police after
17 being observed driving his motor vehicle the wrong way on a one way street. Respondent's blood
18 alcohol level was measured at 0.20%.

19 **SECOND CAUSE FOR DENIAL OF APPLICATION**

20 **(Committed Acts Which If Done By A Licentiate)**

21 10. Respondent's application is subject to denial under Code section 480(a)(3)(A), in that
22 he committed acts which if done by a licentiate of the profession would constitute grounds for
23 discipline under Code sections 2761(f) (conviction of a crime substantially related to the
24 qualifications, functions or duties of a license holder). The conduct described above in paragraph
25 9, would also constitute grounds for discipline under Code sections 2762(b) (convicted of a crime
26 involving the consumption of alcohol); and 2762(c) (used alcoholic beverages to an extent or in a
27 manner dangerous or injurious to himself and the public).

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Denying the application of Jeffery Scott Hopper for a Registered Nurse License; and,
2. Taking such other and further action as deemed necessary and proper.

DATED: February 28, 2012 Louise R. Bailey

for LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
State of California
Complainant

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